

VACATED PURSUANT TO USCA
ORDER FILED 11/26/07 (DOC. #93)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) **No. 3:00cr0067 AS**
)
RONALD KING JR.) **No. 3:02cv0897 AS**
)

MEMORANDUM, OPINION AND ORDER

With regard to the criminal proceedings involving Ronald King Jr. in this court, the court takes full judicial notice of the same. Mr. King was represented by very able counsel in the criminal proceedings here. The filing made that is before the court purports to be under Rule 60(b) of the Federal Rules of Civil Procedure and was filed December 27, 2006. The court is well aware of its obligations with regard to pro se filings under *Haines v. Kerner*, 404 U.S. 519 (1972). The government's response here filed on March 5, 2007 has been given close attention and it accurately outlines the sequence of events in the criminal case. The so-called Rule 60(b) motion here has many of the earmarks of being a successive habeas petition. See *Dunlam v. Lytscher*, 301 F.3d 873 (7th Cir. 2002), and *Harris v. Cotton*, 296 F.3d 578 (7th Cir. 2002). There is no direct appeal and there has previously been filed a motion under 28 U.S.C. §2255 which was denied by an order of this court on April 14, 2003.

There are some basic obligations on this petitioner-defendant as outlined in *United States v. Jones*, 167 F.3d 1142 (7th Cir. 1999), and they are simply not met here. This petition can and should be dismissed because of the previously agreed to waiver.

For all of these reasons, the most recent pro se filing by this petitioner-defendant is now **DENIED. IT IS SO ORDERED.**

DATED: March 9, 2007

S/ ALLEN SHARP
ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT
